

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and  
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK CAR  
AUTO RACING, LLC, NASCAR HOLDINGS,  
LLC, NASCAR EVENT MANAGEMENT, LLC,  
and JAMES FRANCE,

Defendants.

No.: 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,  
FRONT ROW MOTORSPORTS, INC., and  
CURTIS POLK,

Counter-Defendants.

**PLAINTIFFS' RESPONSE TO NASCAR'S REQUEST FOR DISCOVERY-DISPUTE  
INTERVENTION REGARDING SUBPOENAS TO NON-PARTY RACING TEAMS**

In connection with a discovery dispute between NASCAR Event Management, LLC (“NASCAR”) and certain non-party NASCAR Cup Series racing teams, NASCAR requests that “if the Court agrees with the Racing Teams that their financial statements are too confidential to be produced in discovery, the Court should order that non-party team financial information is irrelevant at trial, including Plaintiffs’ arguments about industry revenue being shared ‘fairly.’” Dkt. 156 at 2. While Plaintiffs take no position on the relevance of the specific financial information that NASCAR is seeking from the non-party racing teams, NASCAR’s alternative

request that the Court order that Plaintiffs' arguments regarding the fairness of league revenue sharing are irrelevant at trial is inappropriate on this motion and should be denied.

Plaintiffs' arguments about whether league revenue is being shared fairly are entirely independent of the dispute between NASCAR and the non-party racing teams. While NASCAR centers its dispute with the non-party racing teams on its purported need for information like individual team sponsorship revenues to show individual team profitability (or a lack thereof), that is unrelated to Plaintiffs' arguments about league revenue sharing. Plaintiffs argue that NASCAR exercises its monopsony power to hoard a disproportionate share of revenues generated jointly with the teams, such as revenues from NASCAR's media deals and its use of team intellectual property. Whether league revenues are shared with the teams in the same amount that they would be in a competitive market has nothing to do with the granular team-specific financial data that NASCAR is seeking from the non-party racing teams. Accordingly, the Court should deny NASCAR's requested alternative relief.

Dated: June 23, 2025

By: /s/ Jeffrey L. Kessler  
Jeffrey L. Kessler  
**WINSTON & STRAWN LLP**  
200 Park Avenue  
New York, NY 10166  
Tel: (212) 294-6700  
Fax: (212) 294-4700  
jkessler@winston.com

Jeanifer E. Parsigian  
Michael Toomey  
**WINSTON & STRAWN LLP**  
101 California Street  
San Francisco, CA 94111  
Tel: (415) 591-1000  
Fax: (415) 591-1400  
jparsigian@winston.com  
mtoomey@winston.com

E. Danielle T. Williams

**WINSTON & STRAWN LLP**

300 South Tryon Street  
16th Floor  
Charlotte, NC 28202  
Tel: (704) 350-7700  
Fax: (704) 350-7800  
dwilliams@winston.com

Matthew R. DalSanto

**WINSTON & STRAWN LLP**

35 W. Wacker Drive  
Chicago, IL 60601  
Tel: (312) 558-5600  
Fax: (312) 558-5700  
mdalsanto@winston.com

### **CERTIFICATE OF COMPLIANCE**

No artificial intelligence was employed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg. Every statement and every citation to an authority in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.

By: /s/ Jeffrey L. Kessler

Jeffrey L. Kessler  
**WINSTON & STRAWN LLP**  
200 Park Avenue  
New York, NY 10166  
Tel: (212) 294-6700  
Fax: (212) 294-4700  
jkessler@winston.com

*Counsel for Plaintiffs and Counterclaim  
Defendants 2311Racing LLC d/b/a 23XI  
Racing and Front Row Motorsports Inc. and  
Counterclaim Defendant Curtis Polk*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **PLAINTIFFS' RESPONSE TO NASCAR'S REQUEST FOR DISCOVERY-DISPUTE INTERVENTION REGARDING SUBPOENAS TO NON-PARTY RACING TEAMS** was electronically filed using the Court's CM/ECF system, which will automatically send notice of this filing to counsel of record for all parties, including:

Tricia Wilson Magee  
**SHUMAKER LOOP & KENDRICK, LLP**  
101 S. Tryon St., Suite 2200  
Charlotte, NC 28280  
tmagee@shumaker.com

Christopher S. Yates  
**LATHAM & WATKINS LLP**  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111  
chris.yates@lw.com

Lawrence E. Buterman  
**LATHAM & WAKINS LLP**  
1271 Avenue of the Americas  
New York, NY 10020  
lawrence.buterman@lw.com

Anna M. Rathbun  
Christina R. Gray  
David L. Johnson  
Christopher J. Brown  
**LATHAM & WATKINS LLP**  
555 Eleventh Street, NW, Suite 1000  
Washington, DC 20004  
anna.rathbun@lw.com  
christina.gray@lw.com  
david.johnson@lw.com  
chris.brown@lw.com

*Counsel for Defendant and Counterclaim Plaintiff NASCAR Event Management, LLC and Defendants National Association for Stock Car Auto Racing, LLC, NASCAR Holdings, LLC and James France*

Jeffrey L. Kessler  
Jeffrey L. Kessler